

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BEVERLY LYNN STEGALL,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-14-1817
	§	
HOME DEPOT U.S.A., INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER

The parties have filed an agreed motion for a protective order. (Docket Entry No. 29).

Paragraphs 3.03 and 3.04 on page 7 of the proposed order must be revised to reflect that under the case law, a higher good-cause showing is required to file documents under seal with the court and restrict access to them than to designate them as confidential when they are exchanged in discovery. The paragraph must be revised to state that when documents designated as confidential are filed with the court, they may initially be filed under seal but will not be maintained under seal unless the party designating them as confidential files a motion to do so. Such a motion must be filed 7 days after the filing, must show good cause for sealing the documents, and must state whether the opposing party contests filing the documents under seal. The parties may file a revised agreed protective order no later than **October 17, 2014**.

Additionally, the protective order does not contain any reference to the anti-waiver provisions of Rule 502 of the Federal Rules of Evidence to protect against waiver by production in this case, not merely against waiver by inadvertent production. No later than October 17, 2014, the

parties must incorporate an express reference to a Rule 502(d) provision in the protective order or explain why it is not appropriately included.

SIGNED on September 30, 2014, at Houston, Texas.



Lee H. Rosenthal
United States District Judge